

## Message Text

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42

ACTION ERDA-07

INFO OCT-01 IO-10 ISO-00 OES-05 L-02 ACDA-10 CIAE-00

INR-07 NSAE-00 NSC-05 EB-07 NRC-07 FEAE-00 /061 W

----- 116942

R 220809Z APR 75

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 5733

INFO AEC GERMANTOWN

UNCLAS IAEA VIENNA 3412

EO 11652: NA

TAGS: TECH, IAEA

SUBJECT: PROPOSED SUPPLY TO IAEA OF MASS SPECTROMETER  
BY UNION CARBIDE (HNL)

REF: TWX 262045Z MARCH 75 SLAWSON/LABOWITZ

1. TWO COPIES OF CONTRACT, SIGNED BY ACTING HEAD IAEA PURCHASING OFFICE, ON WAY TO AMMONS ERDA, VIA INTERNATIONAL REGISTERED AIRMAIL, TOGETHER WITH ORIGINAL OF COVERING LETTER DATED APRIL 16 FROM LOPEZ-MENCHERO TO MISSION, AND COPY OF MISSION'S LETTER TO HIM OF APRIL 8.

2. LOPEZ-MENCHERO LETTER STATES THAT IAEA "PREPARED TO ACCEPT, GIVEN THE OUTSTANDING REPUTATION OF THAT ORGANIZATION, (HNL) THAT THERE BE NO SPECIFIC OR IMPLIED WARRANTY OR GUARANTEE INCLUDED IN THE AGREEMENT....".

3. LETTER NOTES WITH SATISFACTION DELETION OF PROVISION RE DISPUTES. ALSO POINTS OUT THAT AGREEMENT TEXT DELETES ARTICLE RE CONTINGENT FEES.

4. RE PATENT INDEMNIFICATION PROVISION, LETTER STATES "ALTHOUGH THIS IS MOST INHABITUAL, WE ARE PREPARED TO ACCEPT THE PROPOSAL IN ORDER TO FACILITATE CONCLUSION  
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OF THE AGREEMENT BUT HAVE TAKEN THE LIBERTY OF ADDING A

PROVISO TO THE EFFECT THAT SUCH INDEMNIFICATION WOULD ONLY BE MADE IF AND TO THE EXTENT THE INFRINGEMENT WERE NOT DONE KNOWINGLY".

5. RE PAYMENT ARTICLE, LETTER NOTES PROVISION MADE FOR THREE INSTALLMENTS AND EXPRESSES GRATITUDE FOR SUCH ARRANGEMENT. LETTER NOTES "MINOR PROBLEM" IN IMPLEMENTATION PROVISION, HOWEVER, IN LIGHT DATE OF AGENCY SIGNATURE (APRIL 11) AND UNCERTAINTY OF DATE AGREEMENT ACTUALLY BECOMES BINDING (AFTER ERDA APPROVAL SIGNATURE). AGREEMENT SPECIFIES FIRST INSTALLMENT DUE THIRTY DAYS FOLLOWING EXECUTION, DEFINED AS DATE FIRST NOTED IN SIGNATURE BLOCK. (NOW APRIL 11). LETTER PROPOSES PAY FIRST INSTALLMENT WITHIN THIRTY DAYS OF RECEIPT OF NOTIFICATION THAT AGREEMENT APPROVED BY ERDA, WHILE RECOGNIZING THIS PROCEDURE IN "TECHNICAL CONTRADICTION" OF AGREEMENT WORDING.

5. ADVISE. LABOWITZ

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CONTRACTS, RELATIONS WITH INTERNATIONAL ORGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 22 APR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975IAEAV03412  
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**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Office:** ACTION ERDA  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
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**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 TWX 262045Z, 75 MARCH 75  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ShawDG  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 24 NOV 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <24 NOV 2003 by MaustMC>; APPROVED <30 DEC 2003 by ShawDG>  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PROPOSED SUPPLY TO IAEA OF MASS SPECTROMETER BY UNION CARBIDE (HNL)  
**TAGS:** TECH, IAEA, UNION CARBIDE  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006